

09/672,636

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REMARKS

Claims 1-29 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1, 15, and 29 Under 35 U.S.C. §102(b)

Claims 1, 15, and 29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Shibata, *et al.* (U.S. Patent No. 4,845,477). It is submitted that this rejection should be withdrawn for at least the following reasons. Shibata, *et al.* does not disclose each and every element as set forth in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

In particular, Shibata, *et al.* fails to teach a hardware blink logic system capable of selectively blinking at least one pixel on a display, as recited in claims 1, 15, and 29 of the present application. Instead, the color blinking system of Shibata, *et al.* is only capable of character or image blinking. Shibata, *et al.* merely teaches using two colors other than black to make specific characters blink on a display. (See col. 1, lines 14-23). Shibata, *et al.* discloses such color blinking by having "a specified color and a different color displayed alternatively at dot positions of the specified color." (Col. 2, lines 13-16). Unlike Shibata, *et al.*, the claimed invention allows for finer grained pixel blinking control than was previously available using conventional character dot blinking methodologies.

Accordingly, because Shibata, *et al.* fails to disclose each and every element of claims 1, 15, and 29, Shibata, *et al.* does not anticipate claims 1, 15, and 29. Withdrawal of this rejection and allowance of claims 1, 15, and 29 are respectfully requested.

09/672,636

00AB151

II. Rejection of Claims 2-6, 8-13, 16-20, and 22-27 Under 35 U.S.C. §103(a)

Claims 2-6, 8-13, 16-20, and 22-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shibata, *et al.* in view of Fleming, *et al.* (U.S. Patent No. 4,439,759). It is submitted that this rejections should be withdrawn for at least the following reasons. Neither Shibata, *et al.* nor Fleming, *et al.* teach or suggest every limitation set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must both be found in the prior art and not based on applicant's disclosure*. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Claims 2-6, 8-13, 16-20, and 22-27 depend directly or indirectly from independent claims 1, 15, and 29, which are believed to be allowable for the aforementioned reasons. Fleming, *et al.* does not make up for the aforementioned deficiencies of Shibata, *et al.* with respect to claims 1, 15, and 29. Fleming, *et al.* merely teaches a plurality of algorithms for blinking picture elements.

Therefore, claims 2-6, 8-13, 16-20, and 22-27 are not obvious over the combination of Shibata, *et al.* and Fleming, *et al.* Accordingly, withdrawal of these rejections and allowance of claims 2-6 and 8-13 are respectfully requested.

III. Allowable Subject Matter

Claims 7, 14, 21, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As claims 7, 14, 21, and 28, are directly or indirectly dependent upon independent claims 1 and 15, which are now believed

09/672,636

00AB151

to be allowable per the aforementioned reasons, it is believed these claims are now also allowable. However, Applicant reserves the right to cast such claims into independent form at a later date, if necessary.

IV. Conclusion

The present application is believed to be condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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